

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

<b>WILLIE D. SCALES, JR.,</b>	:	<b>Civil No. 1:18-cv-1514</b>
	:	
<b>Plaintiff,</b>	:	
	:	
<b>v.</b>	:	
	:	
<b>MIDLAND FUNDING, LLC,</b>	:	
	:	
<b>Defendant.</b>	:	<b>Judge Sylvia H. Rambo</b>

**ORDER**

Before the court is a report and recommendation of the magistrate judge (Doc. 41) in which he recommends that the motion to file a second amended complaint submitted by the plaintiff be granted and that the cross-motions for summary judgment filed by the plaintiff and the defendants be denied without prejudice to renewal after a brief period of discovery. Objections to the report and recommendation were due by February 11, 2020, but to date, no objections have been filed.

In considering whether to adopt a report and recommendation when no objections have been filed, the court should, as a matter of good practice, “satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” Fed. R. Civ. P. 72(b), advisory committee notes; *see also Univac Dental Co. v. Dentsply Intern., Inc.*, 702 F. Supp. 2d 465, 469 (M.D. Pa. 2010) (explaining that judges should review dispositive legal issues raised by the report for

clear error). Following an independent review of the record, the court is satisfied that the report and recommendation contains no clear error and will therefore adopt the recommendation. Accordingly, **IT IS HEREBY ORDERED AS FOLLOWS:**

- 1) The report and recommendation of the magistrate judge (Doc. 41) is **ADOPTED**;
- 2) Plaintiff's motion to amend his complaint (Doc. 26) is **GRANTED**;
- 3) The Clerk of Court shall file the revised second amended complaint (Doc. 26-2) as the operative pleading in this case;
- 4) No additional leave to amend shall be afforded in this case;
- 5) The cross-motions for summary judgment (Doc. 30 & 32) are **DENIED WITHOUT PREJUDICE** to renewal of these motions once a brief period of discovery is permitted with respect to the plaintiff's second amended complaint; and
- 6) This matter is remanded to the magistrate judge.

s/Sylvia H. Rambo  
SYLVIA H. RAMBO  
United States District Judge

Dated: March 13, 2020